COURT FEE 20 RS. INDIA TWENTY RUPEES — CANCELLED

IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P.)

PETITION UNDER ARTICLE 226 READ WITH ARTICLE 227 OF THE CONSTITUTION OF INDIA

(3)

100/-

W.P. NO. 4969 /2000

Petitioner: T.H. Rizvi, aged about 37 years, s/o late Shri Iqbal Hussain Rizvi, by occupation-Head Clerk, Nagar Panchayat Pithora, district Mahasamund.

-versus-

Respondents:

1. State of M.P. through the Secretary Urban Administration and Development, Bhopal.

2. Commissioner/Director Urban Administration and Development, Bhopal.

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4969 OF 2000

Petitioner : T.H. Rizvi

versus

Respondents : State of M.P. (now Chhattisgarh) and another

Present : None appears for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on 19th Day of February, 2007)

The petitioner, while working as Head Clerk in Municipal Council, Bhatapara was transferred to Nagar Panchayat, Pithora on the same terms and conditions, vide order dated 14-6-2000 (P-1). The petitioner joined the new place of posting at Nagar Panchayat, Pithora, but, thereafter, vide impugned order dated 7-8-2000 (P-3), the transfer of the petitioner from Bhatapara to Pithora was cancelled until further orders.

2. This Court, vide interim order dated 28-8-2000, directed for maintaining *status quo*, as was existing on that day.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever.

(24)

At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal